

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

BRAUN GmbH,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 03-CV-12428-WGY
)	
RAYOVAC CORPORATION,)	
)	
Defendant.)	

**RAYOVAC CORPORATION'S UNOPPOSED MOTION FOR RECONSIDERATION
OF THE COURT'S ORDER ON RAYOVAC'S MOTION TO EXTEND THE CASE
SCHEDULE**

Pursuant to Federal Rule of Civil Procedure 16(b) and 60(b), Defendant Rayovac Corporation ("Rayovac") hereby submits its unopposed Motion for Reconsideration of the Court's Order on Rayovac's Motion to Extend the Case Schedule. On July 6, 2005, the Court granted Rayovac's Motion to Extend the Case Schedule in part by extending the deadlines for fact discovery and dispositive motions by 3 months, but denied Rayovac's request to extend the trial date. Following the Court's ruling, on August 16, 2005 (approximately one month before the Pretrial Conference), Braun unloaded an additional 90,000 pages of documents. For reasons set forth in the accompanying memorandum, Rayovac respectfully submits that the Court should reconsider its earlier ruling to avert the manifest prejudice Rayovac will suffer if it is precluded from even considering a substantial amount of relevant evidence before trial. FED. R. CIV. P. 60(b) ("[T]he court may relieve a party ... from a final judgment, order, or proceeding for ... newly discovered evidence[.]") Accordingly, Rayovac respectfully requests that the Court grant Rayovac's Motion for Reconsideration and set the trial date for January 2006.

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DATED: August 24, 2005

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LOCAL RULE 7.1 CERTIFICATION

Pursuant to Local Rule 7.1(A)(2), the undersigned certifies that on August 24, 2005, counsel for Defendant Rayovac Corporation conferred with counsel for Plaintiff Braun GmbH, Dalila Arguez Wendlandt, relating to this motion. Plaintiff's counsel indicated that Plaintiff Braun GmbH did not oppose the filing of this motion.

/s/ James A. Shimota
James A. Shimota